

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 LESTER LEE GAINS III,

4 Plaintiff

Case No. 2:19-cv-01489-GMN-VCF

ORDER

5 v.

6 WARDEN BRIAN WILLIAMS, et al.,

7 Defendants  
8

9 **I. DISCUSSION**

10 Plaintiff, who is an inmate in the custody of the Nevada Department of Corrections  
11 (“NDOC”), has submitted a civil rights complaint under 42 U.S.C. § 1983. (ECF No. 1-1).  
12 Plaintiff has neither paid the full filing fee for this matter nor filed an application to proceed  
13 *in forma pauperis*.

14 Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an  
15 application to proceed *in forma pauperis* and attach both an inmate account statement  
16 for the past six months and a properly executed financial certificate. The Court will retain  
17 Plaintiff’s civil rights complaint (ECF No. 1-1), but will not file it until the matter of the  
18 payment of the filing fee is resolved. Plaintiff will be granted an opportunity to file an  
19 application to proceed *in forma pauperis*, or in the alternative, pay the full filing fee for this  
20 action. If Plaintiff chooses to file an application to proceed *in forma pauperis* he must file  
21 a fully complete application to proceed *in forma pauperis*, including both an inmate  
22 account statement for the past six months and a properly executed financial certificate.

23 **II. CONCLUSION**

24 For the foregoing reasons, IT IS ORDERED that the Clerk of the Court WILL SEND  
25 Plaintiff the approved form application to proceed *in forma pauperis* by a prisoner, as well  
26 as the document entitled information and instructions for filing an *in forma pauperis*  
27 application.

28 IT IS FURTHER ORDERED that within **thirty (30) days** from the date of this order,

1 Plaintiff must either: (1) file a fully complete application to proceed *in forma pauperis*, on  
2 the correct form with complete financial attachments in compliance with 28 U.S.C. §  
3 1915(a); or (2) pay the full \$400 fee for filing a civil action (which includes the \$350 filing  
4 fee and the \$50 administrative fee).

5 IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order,  
6 dismissal of this action may result.

7 IT IS FURTHER ORDERED that the Clerk of the Court will retain the complaint  
8 (ECF No. 1-1) but will not file it at this time.

9  
10 DATED THIS 11<sup>th</sup> day of September, 2019.

11   
12 UNITED STATES MAGISTRATE JUDGE